



## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, JANUARY 4<sup>TH</sup>, 2007  
AT 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

### **1. CALL TO ORDER**

Chairperson Hughes called the regular meeting to order at 6:02 p.m.

Commission members present were: Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Michael Parks, Mr. Art Hughes (Chairperson), Mr. G.H. Jones, and Mr. Don Maxwell.

Commission member absent was: Mr. Michael Beckendorf (excused)

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. John Dean, Transportation Planner; Ms. Julie Fulgham, Staff Planner; Mr. Randy Haynes, Staff Planner; Mr. Martin Zimmermann, Senior Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

### **2. ELECTION OF OFFICERS**

Chairman Hughes opened the floor to nominate a Parliamentarian.

**Commissioner Jones moved to elect Commissioner Maxwell for Parliamentarian. Commissioner Clark seconded the motion, and the motion passed with a unanimous vote.**

Chairman Hughes opened the floor to nominate a Vice Chairperson.

**Commissioner Bond moved to elect Commissioner Clark for Vice Chairperson. Commissioner Jones seconded the motion, and the motion passed with a unanimous vote.**

Chairman Hughes opened the floor to nominate a Chairperson.

**Commissioner Parks moved to elect Commissioner Hughes for Chairperson. Commissioner Clark seconded the motion, and the motion passed with a unanimous vote.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

### **3. HEAR CITIZENS**

No one came forward.

### **4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST**

Commissioner Bond filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #10, Rezoning RZ07-03. Commissioner Bond will not participate in deliberation or voting on this agenda item.

### **5. CONSENT AGENDA (Items may be removed at the request of two Commission members.)**

**A. Approval of minutes from workshop and regular meetings on December 14, 2006.**

**B. CONSIDERATION – Vacating Plat VP06-02** **M. Zimmermann**  
*Proposed vacating plat of Siegert Subdivision – Phase 2 consisting of 15.57 acres of land and located at the corner of Wilkes Drive and Siegert Drive in Bryan, Brazos County, Texas.*

**C. CONSIDERATION – Final Plat FP06-14** **M. Zimmermann**  
*Proposed final plat of Bonham School Subdivision consisting of 15.57 acres of land and located at the corner of Wilkes Drive and Siegert Drive in Bryan, Brazos County, Texas.*

**D. CONSIDERATION – Master Plan MP06-09** **M. Zimmermann**  
*Proposed master plan of Autumn Lake Subdivision consisting of 36.243 acres located north of West Villa Maria and south of Chick Lane in Bryan, Brazos County, Texas.*

**Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

## **REQUESTS FOR APPROVAL OF SUBDIVISIONS**

### **6. PUBLIC HEARING/CONSIDERATION – Replat RP06-17**

**J. Dean**

*Replat of all lots within Traditions Subdivision Phase 16, located at the end of Club Drive in Bryan, Brazos County, Texas.*

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant has made a request to replat 25.436 acres which comprise the Traditions Subdivision, Phase 16. Originally, the applicant had planned to build only four casitas, but now they have decided to construct them all at once. In addition, a portion of Club Drive is being dedicated which provides access to this tract. This item has been conditionally approved by the Site Development Review Committee and staff recommends approving this request.

Public hearing was opened

No one came forward.

The public hearing was closed.

**Commissioner Jones moved to approve Replat RP06-17, as requested. Commissioner Bond seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

### **7. PUBLIC HEARING/CONSIDERATION – Replat RP06-19**

**R. Haynes**

*Replat of Lots 5 and part of 6, Block 1 of the Henderson Addition – Ph 2 located at 400 Bonneville Street in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the proposed replat of Lots 5, 6, and 7 in the Henderson Addition No.2, Block 1 creates two lots from the three existing lots. This site is occupied by two single family detached residences. Staff recommends approving this proposed replat.

Public hearing was opened

Ms. Eddie Mae Phillips, applicant, came forward to speak in favor of the request. Ms. Phillips advised the Commission that she believes she has met all the requirements and expressed her hope that the Commission will approve her replat.

The public hearing was closed.

**Commissioner Jones moved to approve Replat RP06-19, as requested. Commissioner Horton seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**REQUESTS FOR APPROVAL OF REZONINGS (Commission makes recommendation; City Council has final approval.)**

**8. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-48**

**J. Dean**

*A request to assign 'SC-B' South College-Business & 'DT-C' Downtown-Civic zoning classifications for four properties not currently zoned located along Tabor Road at the intersections with East 28<sup>th</sup> Street, East 29<sup>th</sup> Street, East 30<sup>th</sup> Street, East 31<sup>st</sup> Street & East 32<sup>nd</sup> Street, Bryan, Brazos County, Texas. See Descriptions Below.*

*Tract A: a 20'by 250' tract totaling approximately .1147 acres in the Bryan Original Townsite located along Tabor Road between the intersections of East 28<sup>th</sup> Street and East 29<sup>th</sup> Street;*

*Tract B: a 20'by 250' tract totaling approximately .1147 acres in the Bryan Original Townsite located along Tabor Road between the intersections of East 29<sup>th</sup> Street and East 30<sup>th</sup> Street;*

*Tract C: a 20'by 250' tract totaling approximately .1147 acres in the Bryan Original Townsite located along Tabor Road between the intersections of East 30<sup>th</sup> Street and East 31<sup>st</sup> Street, also known as 500 S. Tabor Road;*

*Tract D: a 20' by 105' tract totaling approximately .0482 acres in the Bryan Original Townsite located along Tabor Road between the intersections of East 31<sup>st</sup> Street and East 32<sup>nd</sup> Street, also known as 101 E 31<sup>st</sup> Street; and*

*Tract E: a 20' by 145' tract totaling approximately .0665 acres in the Bryan Original Townsite located along Tabor Road between the intersections of East 31<sup>st</sup> Street and East 32<sup>nd</sup> Street, also known as 100 E 32<sup>nd</sup> Street.*

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that it had recently came to city staff's attention that five properties along Tabor Road in the area of Bryan Texas Utilities and the future Justice Center have never been

assigned a zoning classification. The City of Bryan owns tracts A and B, while tracts C-E are privately owned. The owner of tract C has requested the 'DT-C' Downtown-Civic zoning designation for his property; after numerous attempts, the owners of tract D, American Portable Telecom of Houston, could not be reached, and the owner of tract E, Terry Lee, agrees with staff that her property should receive the 'SC-B' South College-Business zoning designation. Subsequently, this request seeks to assign the permanent zoning designations of 'DT-C' Downtown Civic District for properties A – C and 'SC-B' South College-Business District for properties D – E. Staff recommends approving this request.

The public hearing was opened

No one came forward.

The public hearing was closed.

**Commissioner Clark moved to recommend assigning 'SC-B' South College Business and 'DT-C' Downtown – Civic zoning designations, as requested with rezoning RZ06-48, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**9. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-02**

**J. Fulgham**

*A request to change the zoning classification from an 'RD-7' Residential District – 7000 to an 'R-NC' Residential Neighborhood Conservation District on all lots in the Austin's Colony – Phase 7A Subdivision, located at or near the intersection of Settler's Way and Williams Trace east of Austin's Colony Parkway in Bryan, Brazos County, Texas.*

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the property owners within the Austin's Colony Subdivision-Phase 7A have submitted a complete petition for a City-initiated zoning change from 'RD-7 Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on all 26 lots in this subdivision phase. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision phase, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Maxwell moved to recommend approval of rezoning RZ07-02, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-03**

**R. Haynes**

*A request to change the zoning classification from a 'RD-5 Residential District - 5000 to 'RNC' Residential Neighborhood Conservation for all 50 lots located in the Woodson Terrace Phase 1 Subdivision, located along Sul Ross, Lamar Drive and Terrace Drive in Bryan, Brazos County, Texas.*

Mr. Haynes presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the property owners within the Woodson Terrace Subdivision Phase 1 have submitted a complete petition for a City-initiated zoning change from 'RD-5' Residential District – 5000 to 'R-NC' Residential Neighborhood Conservation District on all 50 lots in this subdivision. The subdivision plat for the phase of this subdivision was recorded in May 1965. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision phase, as requested.

The public hearing was opened.

Mr. Fred Rennells, of 1100 Lamar Drive, Bryan, Texas, came forward to speak against the request. Mr. Rennells stated his belief that the restrictions being imposed on the property owners will create hardships on several categories of people. He maintained that the elderly in nursing homes and assisted living facilities retain their homes and use the income from student and other rentals to help defray the costs. She added that this income supplements their Social Security income. He added that families with college age children have found it more economical to purchase or lease a residence for their children when the cost of living in dorms would be prohibitive. Some college students are only able to attend college by collectively renting a residence and this subdivision has been meeting this need for the benefit of both students and property owners. He concluded by pointing out that deed restrictions for this subdivision currently impose no kinship restrictions and any added restrictions should be handled by a court order with the approval of all residents.

Mr. Geoff Kimbrough, of 1101 Lamar Drive, Bryan, Texas, came forward to speak against the request. He advised the Commission that he was in agreement with everything Mr. Rennells had stated. Mr. Kimbrough stated that he feels that this is not a fair way to go about addressing neighborhood preservation issues.

Mr. Lee Roy Johnson of 1305 Barak Lane, Bryan, Texas came forward to speak in favor of the request. He advised the Commission that the previous comments came from the minority and that at least 66% of property owners in the subdivision phase agree to the proposed rezoning.

The public hearing was closed.

**Commissioner Clark moved to recommend approval of Rezoning RZ07-03, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Parks stated that he will not support the request as he feels this is an individual rights issue.

**The motion passed with a vote of seven (7) in favor and one (1) in opposition. Commissioner Parks cast the vote in opposition. Commissioner Bond did not participate in deliberation or voting on this agenda item due to a conflict of interest.**

#### **11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-04**

**J. Dean**

*A request to change the zoning classification from an 'RD-5' Residential District - 5000 to 'RNC' Residential Neighborhood Conservation District for all lots located in the B.B. Scasta Subdivision – Ph 1, located along Tanglewood Drive, Delma, Craig and Kelli Lane in Bryan, Brazos County, Texas.*

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the property owners within the BB Scasta Subdivision Phase #1 have submitted a complete petition for a City-initiated zoning change from 'RD-5' Residential District – 5000 to 'R-NC' Residential Neighborhood Conservation District on all 67 lots in this subdivision. The subdivision plats for this phase of this subdivision was recorded in August of 1964. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision phase, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Bond moved to approve Rezoning RZ07-04, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

## 12. COMMISSION CONCERNS

There were none.

## 13. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 6:34 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **18<sup>th</sup>** day of **January, 2007**.

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Art Hughes, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Lindsey Guindi, Planning Manager and  
Secretary to the Planning and Zoning  
Commission